## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK ROCHESTER DIVISION

LARRY PRATT, et al.,	)
Plaintiffs,	) )
v.	) Civil Action No. 6:15-cv-6765-FPG
LORETTA LYNCH, Attorney General of the United States, et al.,	<ul><li>) The Honorable Frank P. Geraci, Jr.</li><li>)</li><li>)</li></ul>
Defendants.	) )
	)

## **AMENDED NOTICE OF MOTION TO DISMISS**

The purpose of this Amended Notice is to correct the header on the Notice filed by the Defendants on March 25, 2016. *See* ECF No. 6. Due to a clerical error, the header in that Notice inadvertently stated "Notice of Motion for Summary Judgment." It should have instead read "Notice of Motion to Dismiss."

PLEASE TAKE NOTICE, that Defendants, Loretta Lynch, the Attorney General of the United States; James B. Comey, Director of the Federal Bureau of Investigation; Christopher M. Piehota, Director of the Terrorist Screening Center; and Thomas E. Brandon, Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, in their official capacities, by their attorney Nathan M. Swinton, of the United States Department of Justice, Civil Division, move this Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) dismissing Plaintiffs' First Amended Complaint, and for such other relief as the Court may deem just and proper. The basis for this motion is set forth in the Memorandum of Law filed on March 25, 2016.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1), the United States intends to file and serve reply papers.

Dated: March 31, 2016 Respectfully submitted,

BENJAMIN C. MIZER Principal Deputy Assistant Attorney General

JOHN R. TYLER Assistant Branch Director

s/Nathan Swinton

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